



PRELIMINARY DRAFT

No. 3125

PREPARED BY
LEGISLATIVE SERVICES AGENCY
2014 GENERAL ASSEMBLY

DIGEST

Citations Affected: IC 12-17.2-3.5; IC 16-38-5-3.

Synopsis: Various child care requirements. Specifies requirements for child care provider eligibility to receive federal Child Care and Development Fund voucher payments. Requires certain reports to the division of family resources. Provides for certain child care providers to have access to the state immunization data.

Effective: July 1, 2014.



A BILL FOR AN ACT to amend the Indiana Code concerning human services.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 12-17.2-3.5-5, AS AMENDED BY P.L.225-2013, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) A provider shall have:

- (1) working smoke detectors that meet the standards adopted by rule for smoke detectors in licensed child care homes; and
 - (2) hot and cold running water;
- in the area of the facility where the provider operates a child care program.

(b) A provider shall meet sanitation standards for bathrooms and handwashing, as established by the division. **This subsection expires June 30, 2015.**

(c) Beginning July 1, 2015, a provider shall maintain compliance with food, health, safety, and sanitation standards as established by the division under rules adopted by the division under section 15 of this chapter or in accordance with a variance or waiver approved by the division under IC 12-17.2-2-10.

(d) The food, health, safety, and sanitation standards adopted under subsection (c) must include all of the following requirements:

- (1) Bathroom and hand washing.**
- (2) Safe conditions in and on the grounds.**
- (3) Maximum capacity limits for the number of children receiving care.**
- (4) Nutrition.**
- (5) Daily activities.**
- (6) Safety of motor vehicles used to transport children.**

SECTION 2. IC 12-17.2-3.5-5.5, AS AMENDED BY P.L.225-2013, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5.5. (a) A provider shall ensure that a child in the provider's care is continually supervised by a caregiver.

(b) A provider who cares for children who are less than twelve (12)



months of age shall:

(1) complete the training course provided or approved by the division under IC 12-17.2-2-1(10) concerning safe sleeping practices; and

(2) ensure that all caregivers of children who are less than twelve (12) months of age follow safe sleeping practices.

(c) After June 30, 2016, a provider that cares for:

(1) not more than sixteen (16) children at a facility where the provider operates a child care program shall maintain a ratio of children to caregivers in the same proportions as the child to staff ratios that are required for a child care home under IC 12-17.2-5; and

(2) more than sixteen (16) children at a facility where the provider operates a child care program shall maintain a ratio of children to caregivers in the same proportions as the child to staff ratios that are required for a child care center under IC 12-17.2-4.

(d) After June 30, 2015, a provider shall ensure that the child occupancy in a facility where the provider operates a child care program is not more than one (1) child per thirty-five (35) square feet of floor space.

SECTION 3. IC 12-17.2-3.5-8, AS AMENDED BY P.L.225-2013, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. (a) At least one (1) adult individual who maintains annual certification in a course of cardiopulmonary resuscitation applicable to all age groups of children cared for by a provider shall be present at all times when a child is in the care of the provider.

(b) The following apply to an individual who is employed or volunteers as a caregiver at a facility where a provider operates a child care program:

(1) The individual shall maintain current certification in first aid applicable to all age groups of children cared for by the provider.

(2) If the individual is:

(A) at least eighteen (18) years of age, the individual may act as a caregiver without supervision of another caregiver; or

(B) less than eighteen (18) years of age, the individual may act as a caregiver only if the individual:

(i) is at least fourteen (14) years of age; and

(ii) is, at all times when child care is provided, directly supervised by a caregiver who is at least eighteen (18) years of age.

~~(3) The provider must verify that an employee or a volunteer has received training concerning child abuse detection and prevention.~~

~~(4)~~ **(3)** Before beginning employment or volunteer duties, the



individual must receive a formal orientation to the facility and the child care program.

(4) Beginning July 1, 2015, unless the provider is a parent, stepparent, guardian, custodian, or other relative to each child in the care of the provider, the individual shall annually receive at least twelve (12) hours of continuing education approved by the division and related to the development and care of children of the same age as the age of children who receive care at the facility.

(5) Beginning July 1, 2015, before beginning employment or volunteer duties, the individual must receive a formal orientation to the facility and the child care program.

(6) Not more than three (3) months after the individual begins employment or volunteer duties, the individual must receive training approved by the division concerning child abuse detection and prevention.

(7) Beginning July 1, 2015, not more than three (3) months after beginning employment or volunteer duties caring for children who do not yet attend first grade, the individual must receive training approved by the division concerning the department of education's early learning guidelines.

(c) A provider shall:

(1) maintain at the facility where the provider operates a child care program documentation of all training required by this section; and

(2) make the documentation available to the division upon request.

SECTION 4. IC 12-17.2-3.5-19 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 19. A provider shall immediately notify the division of the following with respect to a child in the care of the provider:**

(1) An injury of the child that requires medical treatment.

(2) The death of the child.

SECTION 5. IC 16-38-5-3, AS AMENDED BY P.L.122-2012, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) Records maintained as part of the immunization data registry are confidential.

(b) The state department may release information from the immunization data registry to the individual or to the individual's parent or guardian if the individual is less than eighteen (18) years of age.

(c) Subject to subsection (d), the state department may release information in the immunization data registry concerning an individual to the following persons or entities:

(1) The immunization data registry of another state.



- 1 (2) A provider or a provider's designee.
- 2 (3) A local health department.
- 3 (4) An elementary or secondary school that is attended by the
- 4 individual.
- 5 (5) A child care center that is licensed under IC 12-17.2-4 in
- 6 which the individual is enrolled.
- 7 **(6) A child care provider that has achieved at least a Level 1**
- 8 **rating in the paths to QUALITY program established by**
- 9 **IC 12-17.2-2-14.**
- 10 ~~(6)~~ (7) The office of Medicaid policy and planning or a contractor
- 11 of the office of Medicaid policy and planning.
- 12 ~~(7)~~ (8) A child placing agency licensed under IC 31-27.
- 13 ~~(8)~~ (9) A college or university (as defined in IC 21-7-13-10) that
- 14 is attended by the individual.
- 15 (d) Before immunization data may be released to a person or an
- 16 entity, the person or entity must enter into a data use agreement with
- 17 the state department that provides that information that identifies a
- 18 patient will not be released to any other person or entity without the
- 19 written consent of the patient unless the release is to a person or entity
- 20 described in subsection (c).
- 21 (e) The state department may release summary statistics regarding
- 22 information in the immunization data registry to a person or entity that
- 23 has entered into a data use agreement with the state department.

